

MINUTES

COMMITTEE OF THE WHOLE

August 10, 2011

A meeting of the Committee of the Whole of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Jay Furfaro, Chair, at the Council Chambers, 3371-A Wilcox Road, Līhu'e, Kaua'i, on Wednesday, August 10, 2011, at 9:33 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Dickie Chang
Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

There being no objections, the rules were suspended to take public testimony.

There being no one to give testimony at this time, the meeting was in recess at 9:34 a.m.

The Committee reconvened at 4:20 p.m., and proceeded as follows:

Minutes of the July 27, 2011 Committee of the Whole.

Upon motion duly made by Mr. Rapozo, seconded by Ms. Yukimura, and unanimously carried, the Minutes of the July 27, 2011 Committee of the Whole was approved.

Minutes of the FY 2011-2012 Annual Budget Decision Making.
(Deferred 7/27/2011)

Upon motion duly made by Mr. Bynum, seconded by Mr. Chang, and unanimously carried, the Minutes of the FY 2011-2012 Annual Budget Decision Making was approved.

The Committee proceeded on its agenda items as shown in the following Committee Report, which is incorporated herein by reference, as follows:

CR-COW 2011-22: on COW 2011-08 Communication from Councilmembers KipuKai Kuali'i and Nadine K. Nakamura, requesting agenda time to brief the Council on their recent attendance at the National Association of Counties (NACo) Annual Conference. **[Received for the Record.]**

Chair Furfaro: For our next item for the County Attorney, I am asking that we refer the Executive Session meetings that are coming up. But I think for the purpose of what we have here, we should read the items and see if there's

anyone in the public that wants to comment on that before I ask for one (1) deferral and two (2) referrals.

There being no objections, the rules were suspended.

ALFRED CASTILLO, COUNTY ATTORNEY: Council Chair,
Councilmembers good afternoon, Al Castillo, County Attorney.

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

ES-490 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(2 & 4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an executive session with the Council pertaining to the County Auditor and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Auditor where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
[This item was referred to full Council.]

ES-491 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(2 & 4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an executive session with the Council pertaining to the County Clerk and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
[This item was referred to full Council.]

ES-494 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an executive session to provide the Council's Committee of the Whole a briefing regarding legal issues related to the implementation of Kaua'i County Charter Section 3.19 and Bill No. 2410. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.
[This item was deferred.]

The meeting was called back to order, and proceeded as follows:

Chair Furfaro: Thank you very much. Members, I would like to again state that I would like items 490 and 491 just to be referred for one (1) week to the full Council.

Upon motion duly made by Mr. Rapozo, seconded by Mr. Bynum, and unanimously carried, ES-490 and ES-491 were referred to the full Council.

Chair Furfaro: Next item is 494 Executive Session referencing legal briefing regarding the implementation of the Kaua'i County Charter.

Upon motion duly made by Mr. Bynum, seconded by Ms. Yukimura, and unanimously carried, ES-494 was deferred.

There being no further business, the meeting was adjourned at 5:05 p.m.

Respectfully submitted,



Darrellyne M. Simao
Council Services Assistant II

APPROVED at the Committee Meeting held on September 28, 2011:



JAY FURFARO
CHAIR, COMMITTEE OF THE WHOLE

